

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1857

By: Wright

5
6
7
8 COMMITTEE SUBSTITUTE

9 An Act relating to game and fish; amending 29 O.S.
10 2011, Section 4-111, which relates to the fur
11 dealer's license; limiting certain notice
12 requirements to nonresidents; updating statutory
13 language; amending 29 O.S. 2011, Section 5-501, which
14 relates to permission to trap on inhabited lands;
15 modifying requirement to keep certain permits on the
16 person while tending traps; amending 29 O.S. 2011,
17 Section 5-502, as amended by Section 1, Chapter 165,
18 O.S.L. 2012 (29 O.S. Supp. 2014, Section 5-502),
19 which relates to trapping devices; updating statutory
20 language; modifying requirement to post signs in
21 certain areas; deleting requirement for certain
22 employees engaged in wildlife management activities
23 to post signs in certain areas when using certain
24 traps; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-111, is
amended to read as follows:

Section 4-111. A. No person may buy, barter or deal in any fur
or pelt of furbearers in this state without having first procured a
license for such from the Director.

1 B. ~~Fur dealers must~~ A nonresident fur dealer shall provide
2 advance notice of each and every place where ~~such~~ business is
3 transacted. ~~Such notice~~ Notice shall be to the Director in the
4 manner prescribed by the Commission.

5 ~~C.~~ It shall be illegal and punishable under the provisions of
6 this section, for anyone not having a current fur dealer's license
7 to sell, barter or deal in any fur or pelt of furbearers in this
8 state for shipment of ~~said~~ the fur or pelt out of state without
9 having obtained a current license and without reporting said sale to
10 the Director.

11 ~~D.~~ C. The fee for a license under this section shall be One
12 Hundred Dollars (\$100.00) for residents. The fee for a license
13 under this section for nonresidents who reside in a state which
14 charges a fee for a fur dealer's license shall be equivalent to that
15 state's nonresident fee. If no equivalent fee exists in a state
16 where a nonresident resides, the fee for an Oklahoma nonresident fur
17 dealer's license shall be Three Hundred Dollars (\$300.00).

18 ~~E.~~ D. All licenses issued pursuant to this section shall expire
19 on June 30 of each year.

20 ~~F.~~ E. Any person convicted of violating the provisions of this
21 section shall be punished by a fine of not less than Two Hundred
22 Fifty Dollars (\$250.00) nor more than Five Hundred Dollars
23 (\$500.00), or by imprisonment in the county jail for a period not to
24 exceed thirty (30) days, or by both such fine and imprisonment.

1 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-501, is
2 amended to read as follows:

3 Section 5-501. A. No person may trap ~~on~~ upon the inhabited
4 land of another without first procuring from the owner or occupant
5 ~~thereof a~~ of the land written ~~permit~~ permission to do so.

6 B. ~~Such permit must be kept on the person of such~~ The trapper
7 ~~whenever he tends his~~ shall carry the written permission when
8 setting and tending the traps and ~~must be presented~~ shall present it
9 for inspection upon demand of any officer authorized to enforce the
10 wildlife conservation laws of this state.

11 ~~€.~~ Any person convicted of violating any of the provisions of
12 this section shall be punished by a fine of not less than Twenty-
13 five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

14 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-502, as
15 amended by Section 1, Chapter 165, O.S.L. 2012 (29 O.S. Supp. 2014,
16 Section 5-502), is amended to read as follows:

17 Section 5-502. A. Except as otherwise provided by law, no
18 person may use, set, construct, possess or tend any trap, snare,
19 deadfall or other device for the purpose of catching any wildlife,
20 except fish and frogs, in this state, except:

21 1. Box traps;

22 2. Smooth-jawed single-spring or smooth-jawed double-spring
23 offset, leg-hold steel traps with a jaw spread of:

24 a. no more than eight (8) inches for land sets, and

1 b. no more than eight (8) inches for water sets; and

2 3. Enclosed trigger traps.

3 B. No trap so used may be set "in the open", or in paths,
4 roads, or runways commonly used by persons, domestic animals or
5 dogs.

6 C. Any trap set for the purpose of catching any wildlife shall
7 be tended once during each twenty-four (24) hours. All traps ~~must~~
8 shall bear the ~~owner's~~ name ~~or identification attached thereto~~ of
9 the owner of the traps, except for any ~~person trapping~~ traps set on
10 his own property owned or leased by the owner of the traps. Any
11 person violating this subsection shall, in addition to any criminal
12 penalty, be civilly liable for all damages caused by such violation.

13 D. On any lands where smooth-jawed double-spring offset traps
14 are used, the posting of signs shall be required ~~to the right and~~
15 ~~left of~~ at all entrances from public roads and highways ~~and from~~
16 ~~adjacent lands and at corners of perimeter fences, provided that~~
17 this. The requirement to post signs shall not apply ~~to any~~ if the
18 person is trapping on his own property owned or leased by the
19 person. Size, character and wording of these signs are to be
20 determined by the State Wildlife Conservation Commission.

21 ~~E.~~ Employees of the State Department of Agriculture, Food, and
22 Forestry Wildlife Services Division and the United States Department
23 of Agriculture Wildlife Services while engaged in wildlife
24 management activities for the protection of agriculture, property,

1 human health and safety and natural resources shall be exempt from
2 the provisions of this section. ~~Employees engaging in such wildlife~~
3 ~~management activities on any lands where smooth-jawed double-spring~~
4 ~~offset traps are used shall be required to post signs which comply~~
5 ~~with federal requirements to the right and left of all entrances~~
6 ~~from public roads and highways and from adjacent lands and at~~
7 ~~corners of perimeter fences.~~

8 F. E. Any person convicted of violating any of the provisions
9 of this section shall be punished by a fine of not less than Twenty-
10 five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

11 SECTION 4. This act shall become effective November 1, 2015.

12

13 55-1-6949 KB 02/20/15

14

15

16

17

18

19

20

21

22

23

24